

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOEL CARTER,

Plaintiff,

CIVIL ACTION NO. 08-CV-11862-DT

vs.

DISTRICT JUDGE PATRICK J. DUGGAN

WEIDMAN, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR COPIES OF  
PLAINTIFF'S OBJECTIONS TO THE MARCH 3, 2009 REPORT AND  
RECOMMENDATION (DOCKET NO. 70) AND GRANTING PLAINTIFF'S MOTION  
FOR AN EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT (DOCKET NO. 71)**

This matter comes before the Court on two motions filed by Plaintiff. (Docket no. 1). The first motion filed on June 25, 2009 is Plaintiff's Motion for Copies of Plaintiff's Objections to the March 3, 2009 Report and Recommendation. (Docket no. 70). The second is Plaintiff's Motion for an Extension of Time to Respond to Defendants' Motion for Summary Judgment filed on July 9, 2009. (Docket no. 71). The Defendants have not responded to the motions and the time for response has expired. All pretrial matters have been referred to the undersigned for decision. (Docket no. 20). The Court dispenses with oral argument on these motions pursuant to E.D. Mich. LR 7.1(e). These matters are now ready for ruling pursuant to 28 U.S.C. § 636(b)(1)(A).

This is a *pro se* civil rights action filed by a Michigan state prisoner pursuant to 42 U.S.C. § 1983 and state law. (Docket no. 1). Plaintiff filed Objections to this Court's March 3, 2009 Report and Recommendation. (Docket no. 43). On May 26, 2009 Plaintiff filed a Notice of Appeal

of the Court's Opinion and Order granting the Defendants' Motion for Summary Judgment and denying the Plaintiff's Motion for Partial Summary Judgment. (Docket nos. 50, 60). In the instant motion Plaintiff seeks a copy of his Objections to the Report and Recommendation so that he may perfect his appeal. (Docket nos. 43, 70). The Sixth Circuit Court of Appeals dismissed Plaintiff's appeal on June 22, 2009 for lack of jurisdiction. (Docket no. 67). Therefore, the Court will deny Plaintiff's Motion for Copies.

Plaintiff's Motion for an Extension of Time to Respond to Defendants' Motion for Summary Judgment was filed on July 9, 2009. (Docket no. 71). The motion was unopposed. Plaintiff filed his Response to the Defendants' Motion for Summary Judgment on August 7, 2009. (Docket no. 74). The Court will grant Plaintiff's Motion for an Extension of Time to Respond to Defendants' Motion for Summary Judgment and will consider Plaintiff's August 7, 2009 Response to be timely.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Copies of Plaintiff's Objections to the March 3, 2009 Report and Recommendation is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for an Extension of Time to Respond to Defendants' Motion for Summary Judgment is **GRANTED** and Plaintiff's Response to the Defendant's Motion for Summary Judgment filed on August 7, 2009 is deemed timely.

**NOTICE TO THE PARTIES**

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: November 16, 2009

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this Opinion and Order was served upon Joel Carter and Counsel of Record on this date.

Dated: November 16, 2009

s/ Lisa C. Bartlett  
Case Manager